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UNITED STATES DISTRICT COURT

**DISTRICT OF NEVADA**

13 REGINALD C. HOWARD, ) 3:03-cv-00493-HDM-RAM  
14 Plaintiff, )  
15 vs. ) ORDER  
16 GARY HILL, et al., )  
17 Defendants. )

The court has considered the report and recommendation of the  
United States Magistrate Judge (#56) filed on December 15, 2006, in  
which the Magistrate Judge recommends that this court grant in part  
and deny in part defendants' motion for summary judgment (#43).  
Plaintiff opposed defendants' motion (#48), and defendants replied  
(#52).

The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court

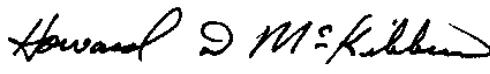
1 hereby

2 ADOPTS AND ACCEPTS the report and recommendation of the  
3 United States Magistrate Judge (#56).

4 Accordingly, the defendants' motion for summary judgment (#43)  
5 is (1) **GRANTED** as to plaintiff's claims under Nev. Rev. Stat. §  
6 200.471 in Counts I and II; (2) **GRANTED** as to plaintiff's Eighth  
7 Amendment claims against Defendant Goble; (3) **DENIED** as to  
8 plaintiff's Eighth Amendment claims against Defendant Hill; (4)  
9 **DENIED** as to plaintiff's Count II claim of infringement on his  
10 First Amendment rights; (5) **DENIED** as to plaintiff's Fourteenth  
11 Amendment claims relating to the alleged excessive force; and (6)  
12 **GRANTED** as to plaintiff's Fourteenth Amendment claims relating to  
13 the alleged violation of plaintiff's rights during the disciplinary  
14 procedure following the June 30, 1999, incident.

15 **IT IS SO ORDERED.**

16 DATED: This 22nd day of January, 2007.

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19 UNITED STATES DISTRICT JUDGE  
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